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## Privacy Policy

We, KWS SAAT SE & Co. KGaA and KWS LOCHOW GmbH (hereafter also referred to as “KWS”, “we” or “us”) appreciate your interest in our company and thank you for visiting our website or using our app. KWS takes the protection of your personal data very seriously. We handle your personal data confidentially and in accordance with legal regulations on data protection and with the Privacy Policy on this website. In the following, you will find information concerning which data we store and when, as well as how, we use this data.

### 1. Data processing controller

The controller of the data processing according to Art. 4 No. 7 GDPR are KWS SAAT SE & Co. KGaA, Grimsehlstrasse 31, 37574 Einbeck, Germany and KWS LOCHOW GmbH, Ferdinand-von-Lochow-Strasse 5, 29303 Bergen, Germany.

KWS SAAT SE & Co. KGaA, Grimsehlstrasse 31, 37574 Einbeck makes the information required according to Art. 13 and 14 GDPR available to the persons concerned.

### 2. Contact details of the Data Protection Officer

You may contact our designated Data Protection Officer as follows:

KWS SAAT SE & Co. KGaA  
Data Protection Officer  
Grimsehlstrasse 31  
37574 Einbeck, Germany  
Telephone: +49 (0)5561 311-1412  
Fax: +49 (0)5561 311-500  
E-mail: [dataprotection@kws.com](mailto:dataprotection@kws.com)

Encrypted contact form:

<https://www.scheja-partner.de/kontakt/kontakt.html>,

Addressee: Boris Reibach

### 3. Purposes and legal basis of processing

#### a) Informative visit of our website

In cases of purely informational use of the website, in other words if you do not register or otherwise submit information to us, we only collect the personal data that your browser sends to our server.

If you wish to look at our website, we process the following data, which are technically necessary for us to show you our website and ensure its stability and security

- IP address
- Date and time of the request
- Time zone difference from Greenwich Mean Time (GMT)
- Content of the request (specific site)
- Access status/HTTP status code

- Amount of data transferred each time
- Website from which the request comes
- Browser
- Operating system and its interface
- Language and version of the browser software.

These pieces of information are analyzed exclusively for statistical purposes.

Legal basis of processing is Art. 6 (1) f) GDPR. Legitimate interests pursued by us are the provision of our online service and ensuring data security.

## **b) myKWS**

On our website we offer you the opportunity to register for our information service "myKWS". You can also use the customer portal via our mobile application, the myKWS app. In the following we inform you about the processing of your personal data when using myKWS.

### **I. Registration for myKWS**

myKWS is a comprehensive information service for crop-specific and overarching content about our products, especially for corn, sugar beet, wheat, barley, rye, and rapeseed. Here you can find helpful tools (e.g. a search tool for patterns of damage in leaf diseases, planting planners, TS monitoring for silage corn) and calculators (e.g. how much seed is needed, stocking density). myKWS offers you regional information customised to your growing region, e.g. for crop management of grain, nematode management in beet cultivation, and ground temperatures and heat levels for corn.

Registration is required for access to this service and the information.

As part of your registration, we create a user profile. In doing so, we collect the data required from you to grant and manage the user account.

Legal basis of processing is Art. 6 (1) b) GDPR.

Your data will be deleted 30 days after the termination of the user relationship takes effect and after the expiry of any statutory retention periods.

### **II. General information and recommendations**

Within your myKWS user account, you have the option of providing further information (e.g. preferred crop types, assignment of data from the KWS shop), on the basis of which you will then receive relevant content and recommendations from us (e.g. for the provision of seed services and for issuing of recommendations for dealing with the cultivated species). You will receive the relevant content and recommendations via a notification function in the myKWS area.

The legal basis for processing is Art. 6 (1) b) GDPR.

Your data will be deleted 30 days after the termination of the user relationship takes effect and after the expiry of any statutory retention periods.

### **III. Geo-based functionalities**

In myKWS we use your location data to offer you geo-based functionalities (e.g. satellite-based analysis of your fields or relevant information about your location such as weather or location-based advisers).

You also have the option of creating geo-based notes. Here you can add information text and pictures.

In the myKWS app, you also have the option of informing us of your live location via GPS. To do this, the app accesses your current location data.

With the help of this functionality you can, for example, have your current location displayed on a map.

The legal basis for processing is Art. 6 (1) b) GDPR.

Data on your location will be deleted 30 days after the termination of the user relationship takes effect and after any statutory retention periods have expired.

#### **IV. Usage analysis**

If you have given us your consent, we collect and analyse basic data on your user behavior in order to improve our services and make them more attractive.

Your usage data will only be recorded and evaluated with your consent.

The legal basis for data processing is Art. 6 (1) a) GDPR.

You can revoke your consent at any time by sending an email to: [dataprotection@kws.com](mailto:dataprotection@kws.com)

Your data will be deleted 30 days after the termination of the user relationship takes effect and after the expiry of any statutory retention periods.

#### **V. Access to the camera for use of functions**

The myKWS app requires access to your device's camera so that the various functions can be used if you want to use these functions. This allows you, for example, to load images directly to the app or to retrieve further information about the product by scanning the product QR code. When you scan the product QR code, we save the product information transmitted to your information stored in myKWS to be able to create a usage history in your myKWS account.

The legal basis for the processing is Article 6 (1) (b) of the GDPR.

If you are not logged in at the time of the scan or if you create your myKWS account at a later time, your location will be added to your myKWS account afterwards, provided that you have given your consent for the localization in the browser API.

The legal basis for the localization is Art. 6 (1) (a) and Art. 6 (1) (b) of the GDPR for the subsequent connection.

Your data will be deleted 30 days after the termination of the usage relationship and after the expiry of any statutory retention periods.

If the processing is based on your consent, we will delete your data after withdrawal of your consent, unless further processing is permitted according to the relevant legal provisions.

#### **c) Online shop**

Within the scope of the business relationship with you or your employer, while shopping in our online shop we only process your personal data that is connected with the business relationship and your orders (e.g. login data, first and last name, postal code, address, e-mail address, contract data, order data, creditworthiness data, payment details).

Legal basis of processing is Art. 6 (1) b) GDPR insofar as a business relationship with you personally exists or is to be entered into. If, on the other hand, you are acting on behalf of a third party, in particular your employer, the legal basis of processing is Art. 6 (1) f) GDPR. Legitimate interest pursued by us is providing the online shop services to the users.

#### **d) Contacting customers**

Furthermore, we use and process your contact data, e.g. name, address, fax number, e-mail address or phone number, to tell you, using the communication methods you submitted (mail, fax, e-mail, phone) about our products, services, and special offers that could be of significant interest to you, and for carrying out customer surveys.

Legal basis of processing is Art. 6 (1) a) or f) GDPR. Legitimate interest pursued by us is communication with our customers.

#### **e) Tracking**

This website uses various technologies to collect and save data for purposes of marketing and optimization. These data can be used to create user profiles under a pseudonym.

This website uses Google Analytics, a web analysis service from Google LLC ("Google"). The information produced by the cookie when you use this website is, as a rule, transmitted to a Google server in the US and saved there. As part of the IP anonymization, your IP address will first be truncated by Google within an EU Member State or another country that is party to the Agreement on the European Economic Area. Only in exceptional cases is the full IP address transmitted to a Google server in the US and truncated there. On behalf of the operator of this website, Google will use this information to evaluate your use of the website, to put together reports about website activities, and to provide further services connected to use of the website and the Internet to the website operator. The IP address transmitted by your browser in the context of using Google Analytics will not be combined with other data maintained by Google.

You can find more information on usage terms and conditions and data protection at:

<https://policies.google.com/?hl=en&gl=fr>. Please note that on this website Google Analytics was expanded by the code "anonymizelp," in order to guarantee an anonymized collection of IP addresses ("IP masking").

Legal basis of processing is Art. 6 (1) a) GDPR.

To revoke your consent to the processing of your data within the framework of Google Analytics, please click on the blue hexagon in the lower left corner of the browser to adjust the settings in the cookie banner.

#### **f) Newsletter**

You will only be sent an e-mail newsletter if you have explicitly ordered the newsletter in question on our website. If you no longer wish to receive an e-mail newsletter, you can unsubscribe using the link that appears at the end of every newsletter.

Legal basis of processing is Art. 6 (1) a) GDPR.

#### **g) Recommendations on Facebook, G+, Twitter, e-mail, and WhatsApp**

You can easily share the information on the KWS website on Facebook, G+, Twitter, e-mail, and WhatsApp using the relevant plugins. These "social bookmark plugins" are Internet bookmarks with which users of this kind of service can collect links and news items. On the KWS website, these are only connected as a link to the services in question. Only after clicking on the associated graphic you will be transferred to the website of the respective provider, i.e. only then your user information will be transferred to the respective provider. Information about handling of your personal data by these websites can be found in the providers' data protection statements.

#### **h) Facebook Pixel**

Our website has integrated the so-called "Facebook Pixel" of the social network Facebook, which is operated by Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland.

Facebook Pixel is a Java script. When you visit our website and give your consent, the Facebook Pixel allows your browser to automatically establish a direct connection to the Facebook server. As a result, in particular the following data can be recorded and transmitted to Facebook:

Your IP address, device and browser properties, URL, referrer URL, Pixel ID and Facebook cookie, as well as information on page views and data entered in input fields.

We use Facebook Pixel to track the actions of visitors to our website, to retarget Facebook advertisements for our website visitors, and to acquire additional information about Facebook members who view our advertisements.

These methods are also used to analyze the visitor structure using Facebook data.  
The data are stored for 180 days.

The legal basis of the data processing is Art. 6., para. 1 letter a GDPR.

Facebook processes the data within the framework of Facebook's Data Usage Guideline:

<https://www.facebook.com/policy.php> [<https://www.facebook.com/policy.php>]

You can obtain special information and details on Facebook Pixel and its functionality in the Facebook Help area: <https://www.facebook.com/business/help/651294705016616>  
[\[https://www.facebook.com/business/help/651294705016616\]](https://www.facebook.com/business/help/651294705016616)

### **i) Podigee Podcast-Hosting**

We use the podcast hosting service Podigee from the provider Podigee GmbH, Schlesische Straße 20, 10997 Berlin, Germany. The podcasts are loaded by Podigee or transmitted via Podigee.

The use is based on our legitimate interests, i.e. interest in a secure and efficient provision, analysis and optimisation of our podcast offer pursuant to Art. 6 para. 1 lit. f. GDPR.

Podigee processes IP addresses and device information to enable podcast downloads/playbacks and to determine statistical data, such as call-up figures. This data is anonymised or pseudonymised before being stored in Podigee's database, unless it is necessary for the provision of the podcasts.

Further information and objection options can be found in Podigee's privacy policy:  
<https://www.podigee.com/de/about/privacy/>.

## **4. Cookies**

We use cookies on our websites [</corp/en/company/privacy-policies/cookies.html>]. Cookies are small text files that can be placed on your hard drive when you visit a website. These text files are created and sent to you by the web server with which you have made a connection through your web browser (e.g. Internet Explorer, Firefox, Google Chrome). Cookies cannot run any programs or infect your computer with viruses. Their purpose is to make your whole Internet service more user-friendly and effective.

Our websites use the following kinds of cookies. Their scope and how they work is explained as follows:

- Transient cookies (a)
- Persistent cookies (b)

a) Transient cookies are automatically deleted when you close the browser. These include session cookies in particular. They save a "session ID" with which various requests by your browser can be allocated to the whole session. This means your computer can be recognized again when you return to our website. The session cookies are deleted when you log out or close your browser.

b) Persistent cookies are automatically deleted after a predetermined period, which can vary depending on the cookie. You can delete the cookies in the security settings of your browser at any time.

c) You can configure your browser settings according to your preferences and, for example, opt out of third-party cookies or all cookies. However, please note that you might not be able to use all functions of this website.

d) The flash cookies we use are not captured by your browser, but rather by your flash plugin. We also use HTML5 storage objects that are placed on your terminal. These objects save the necessary data independently of the browser you use and have no automatic expiration date. If you do not wish to have flash cookies processed, you must install an add-on for that purpose, e.g. "Ghostery" for Mozilla Firefox (<https://addons.mozilla.org/de/firefox/addon/ghostery/>) or the Adobe-Flash-Killer-Cookie for Google Chrome. You can prevent the use of HTML5 storage objects by putting your browser in private mode.

## **5. Recipients of personal data:**

For the operation of our website and for the provision of personalized services, KWS also employs subsidiaries from the KWS group or external service providers who support us in processing orders, operating the website, providing personalized services and providing information to customers. These companies may only use your personal data in fulfilling their tasks on our behalf and are obligated to comply with the relevant data protection regulations.

Transmission of personal data to state institutions and authorities takes place only in accordance with binding national legal provisions or if legal or criminal proceedings require them to be passed on. They will not be passed on for any other purposes.

## **Credit check when paying on account**

If you would like to pay on account, we will send the contact details you provided when the contract was concluded and the order value to check your creditworthiness and determine default risks to CRIF Bürgel GmbH, Leopoldstrasse 244, 80807 Munich, and they will provide us with information about your creditworthiness in the form of probability values, which we use as part of an automated decision about the payment method offered to you. If payment on account is rejected, you can order from us in advance. The probability values are calculated on the basis of collected information and past experience, which are used to analyze and forecast on the basis of the transmitted data by assigning them to statistical groups of people who have had a similar payment behavior in the past. The legal bases for these transfers are Article 6 paragraph 1 letter b and Article 6 paragraph 1 letter f of the General Data Protection Regulation (GDPR). KWS's legitimate interest is to avoid payment defaults.

CRIF Bürgel GmbH processes the data received and also uses it to provide its contractual partners in the European Economic Area and in Switzerland as well as other third countries (if there is an adequacy decision by the European Commission) for information such as assessing the creditworthiness of natural persons give.

## **6. Transmission to third countries**

Personal data that we process in the context of the procedures described above are also transmitted by us to recipients within the meaning of Art. 4 No. 9 GDPR, who process your personal data outside the territory of the European Union. In that regard, a transmission to and subsequent processing of your personal data takes place also in third countries, for which there is no adequacy decision of the European Commission. We have therefore ensured the appropriate protection of your personal data with the relevant recipients through "suitable guarantees" (Article 46 GDPR), by concluding standard contractual clauses, as far as no derogation applies. You can request a copy of these warranties from us (contact details under No. 1/2).

## **7. Retention period**

In general, we will only store your data for as long as is necessary to perform a service that you have requested or to which you have consented. If there are statutory retention periods, your data will be stored in accordance with these legal specifications.

## **8. Your rights as a data subject**

You have the following rights in relation to us regarding your personal data as far as the respective legal requirements are met:

- Right of access,
- Right to rectification,
- Right to deletion,
- Right to restriction of data processing,
- Right to data portability.

## **Right to object**

### **Individual right to object**

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on Art. 6 (1) f) GDPR, including profiling based on those provisions. We will then no longer process the personal data for those purposes unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or the processing serves the establishment, exercise or defence of legal claims.

### **Right to object to processing for direct marketing purposes**

In some cases we process your data for direct marketing. You have the right to object to the processing of your personal data for those purposes at any time. This applies to profiling as far as it is associated with such direct marketing. If you object to the processing for direct marketing purposes, your personal data will not be processed for those purposes any longer.

- **Withdrawal of consent:** If you gave your consent to the processing of your personal data you can withdraw your consent at any time with future effect. The lawfulness of the processing of your personal data until your withdrawal will not be affected.

If you wish to exercise these rights, please contact us under the contact details mentioned above.

You also have the right to lodge a complaint with a data protection supervisory authority, particularly one in the member state of your habitual residence, work place or the place of the suspected violation, if in your opinion the processing of your personal data is unlawful.

## **9. External Links**

Our online service occasionally contains links that lead to the websites of third parties. If this is not easily recognizable, we indicate that it is an external link. KWS has no influence on the content or form of the websites of external providers. This Privacy Policy therefore has no relevance there.

## **10. Amendments to this Privacy Policy**

We reserve the right to change or revise this Privacy Policy from time to time. In this regard, please note the current version of our Privacy Policy.

Einbeck and Bergen, November 2021